

# Exhibit 5

Contains Confidential Portions

Page 1

1 JESSE ANGELO  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK  
4 -----X  
5 SANDRA GUZMAN,  
6 Plaintiff,  
7 -against- 09CIV9323 (BSJ) (RLE)  
8 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a  
9 THE NEW YORK POST, and COL ALLAN, in his  
10 official and individual capacities,

11 Defendants.  
12 -----X  
13 AUSTIN FENNER and IKIMULISA LIVINGSTON,  
14 Plaintiff,  
15 -against- 09CIV9832 (BSJ) (RLE)  
16 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a  
17 THE NEW YORK POST and DAN GREENFIELD and  
18 MICHELLE GOTTHELF,  
19 Defendants.

20 -----X

21  
22 VIDEOTAPED DEPOSITION OF JESSE ANGELO  
23 New York, New York  
24 Wednesday, April 25, 2012

25 REPORTED BY: BARBARA R. ZELTMAN  
(BOBBIE)  
Professional Stenographic Reporter

Job Number: 48821

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 34</p> <p>1 JESSE ANGELO</p> <p>2 reporters right now.</p> <p>3 <b>Q The four people that you mentioned,</b></p> <p>4 <b>are any of them black?</b></p> <p>5 MR. LERNER: Objection.</p> <p>6 A I don't make a habit of taking note</p> <p>7 of people's racial makeup, but no, I don't</p> <p>8 believe any of them are black.</p> <p>9 <b>Q You don't believe any of them are</b></p> <p>10 <b>black?</b></p> <p>11 <b>It's possible some of them are</b></p> <p>12 <b>black but you don't know?</b></p> <p>13 MR. LERNER: Objection.</p> <p>14 A Again, I'm unaware of their racial</p> <p>15 and ethnic heritage but I don't think any of</p> <p>16 them are black.</p> <p>17 <b>Q Who do you report to as executive</b></p> <p>18 <b>editor?</b></p> <p>19 A Col Allan.</p> <p>20 <b>Q How often do you speak with Col</b></p> <p>21 <b>Allan?</b></p> <p>22 MR. LERNER: Objection.</p> <p>23 A Once every three weeks, once a</p> <p>24 month.</p> <p>25 <b>Q Do you have other contact with Col</b></p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 35</p> <p>1 JESSE ANGELO</p> <p>2 <b>Allan other than speaking to him? In other</b></p> <p>3 <b>words, e-mails, telephones -- anything other</b></p> <p>4 <b>than verbally speaking to him?</b></p> <p>5 A Yes.</p> <p>6 <b>Q How often do you have any sort of</b></p> <p>7 <b>contact with Col Allan?</b></p> <p>8 MR. LERNER: Objection.</p> <p>9 A Depends. It varies.</p> <p>10 <b>Q Just on an average week.</b></p> <p>11 MR. LERNER: Objection.</p> <p>12 A Again, it depends on the week.</p> <p>13 Sometimes not at all and sometimes once or</p> <p>14 twice.</p> <p>15 MR. CLARK: Could we mark this</p> <p>16 as Angelo 1.</p> <p>17 (Angelo Exhibit 1, New York</p> <p>18 Post managerial flow chart, Bates</p> <p>19 Number SG-0391, was marked for</p> <p>20 Identification.)</p> <p>21 BY MR. CLARK:</p> <p>22 <b>Q Mr. Angelo, we've marked as</b></p> <p>23 <b>Angelo 1 a document Bates-stamped SG-391.</b></p> <p>24 <b>I just ask you to take a look at it</b></p> <p>25 <b>real quickly.</b></p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 36</p> <p>1 JESSE ANGELO</p> <p>2 A Okay.</p> <p>3 <b>Q This appears to be a managerial</b></p> <p>4 <b>flow chart for The New York Post, correct?</b></p> <p>5 MR. LERNER: Objection.</p> <p>6 A It purports to be that. That's</p> <p>7 what those words say but I don't know that</p> <p>8 it is.</p> <p>9 MR. LERNER: Hold on. He's got</p> <p>10 to finish his answer.</p> <p>11 It purports to be that --</p> <p>12 A It purports to be that but I don't</p> <p>13 know it to be that.</p> <p>14 <b>Q Is Rupert Murdoch the chairman of</b></p> <p>15 <b>News Corporation, as far as you know?</b></p> <p>16 A Yes.</p> <p>17 <b>Q Would he be considered the highest</b></p> <p>18 <b>ranking person in terms of The New York</b></p> <p>19 <b>Post?</b></p> <p>20 MR. LERNER: Objection.</p> <p>21 A Can you repeat question.</p> <p>22 <b>Q Let me state it a little different.</b></p> <p>23 <b>This flow chart indicates Rupert</b></p> <p>24 <b>Murdoch is above Paul Carlucci and Col</b></p> <p>25 <b>Allan. Would that be an accurate statement</b></p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 37</p> <p>1 JESSE ANGELO</p> <p>2 <b>of the organization of The New York Post?</b></p> <p>3 A No.</p> <p>4 <b>Q So Rupert Murdoch is not above Col</b></p> <p>5 <b>Allan and Paul Carlucci?</b></p> <p>6 A Define "above."</p> <p>7 <b>Q Do you know if either Paul Carlucci</b></p> <p>8 <b>or Col Allan report to Rupert Murdoch?</b></p> <p>9 A I don't know who they report to.</p> <p>10 <b>Q Do you know that they do not report</b></p> <p>11 <b>to him?</b></p> <p>12 A I don't know who they report to.</p> <p>13 <b>Q Have you ever met Rupert Murdoch?</b></p> <p>14 A Yes.</p> <p>15 <b>Q How many times?</b></p> <p>16 A I don't know the number.</p> <p>17 <b>Q Is it more than ten?</b></p> <p>18 A Yes.</p> <p>19 <b>Q Is it more than a hundred?</b></p> <p>20 A I don't know.</p> <p>21 <b>Q Have you ever spoken with Rupert</b></p> <p>22 <b>Murdoch in the newsroom?</b></p> <p>23 A Yes.</p> <p>24 <b>Q How many times?</b></p> <p>25 A Dozen.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions</p> <p>Page 38</p> <p>1 JESSE ANGELO</p> <p>2 <b>Q When was the last time you spoke</b></p> <p>3 <b>with Rupert Murdoch in the newsroom?</b></p> <p>4 A The newsroom of The New York Post?</p> <p>5 <b>Q The newsroom of The New York Post,</b></p> <p>6 <b>yes.</b></p> <p>7 A I would say summer 2010.</p> <p>8 <b>Q In the summer of 2010, what did you</b></p> <p>9 <b>speak to Mr. Murdoch about?</b></p> <p>10 MR. LERNER: Objection.</p> <p>11 If the topic of the conversation</p> <p>12 had to do with the editorial process or</p> <p>13 editorial policy, then I'm going to</p> <p>14 instruct you not to answer. And if you</p> <p>15 need advice depending on what the</p> <p>16 specific answer is, we can talk offline.</p> <p>17 THE WITNESS: Okay.</p> <p>18 A I don't recall what I spoke to him</p> <p>19 about in the newsroom of The New York Post</p> <p>20 in summer 2010.</p> <p>21 <b>Q Have you spoken to Rupert Murdoch</b></p> <p>22 <b>in any other newsroom than The New York Post</b></p> <p>23 <b>newsroom?</b></p> <p>24 A Yes.</p> <p>25 <b>Q What other newsrooms have you</b></p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 39</p> <p>1 JESSE ANGELO</p> <p>2 <b>spoken to Rupert Murdoch in?</b></p> <p>3 A The Daily.</p> <p>4 <b>Q What is The Daily?</b></p> <p>5 A The Daily is the first newspaper</p> <p>6 for the iPad.</p> <p>7 <b>Q Who runs The Daily?</b></p> <p>8 MR. LERNER: Object to form.</p> <p>9 A I'm the Editor-in-Chief.</p> <p>10 <b>Q Who do you report to?</b></p> <p>11 A Chase Carey.</p> <p>12 <b>Q So The Daily and The New York Post</b></p> <p>13 <b>have separate newsrooms?</b></p> <p>14 A Correct.</p> <p>15 <b>Q When was the last time you spoke to</b></p> <p>16 <b>Rupert Murdoch in the newsroom of The Daily?</b></p> <p>17 A A year ago.</p> <p>18 <b>Q So 2011?</b></p> <p>19 A Yes.</p> <p>20 <b>Q What did you speak to Rupert</b></p> <p>21 <b>Murdoch about in 2011 in the newsroom of</b></p> <p>22 <b>The Daily?</b></p> <p>23 MR. LERNER: Objection. Same</p> <p>24 instruction, Mr. Angelo.</p> <p>25 THE WITNESS: What's the</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions</p> <p>Page 40</p> <p>1 JESSE ANGELO</p> <p>2 instruction?</p> <p>3 MR. LERNER: If the</p> <p>4 conversation had to do with editorial</p> <p>5 policy or editorial decision-making,</p> <p>6 I'm going to instruct you not to</p> <p>7 answer based on the editorial</p> <p>8 privilege. And if we need to discuss</p> <p>9 that so you can understand what the</p> <p>10 implications of your answer would be,</p> <p>11 we can do that.</p> <p>12 THE WITNESS: Okay.</p> <p>13 A I showed him the newsroom of</p> <p>14 The Daily. He had not seen it.</p> <p>15 <b>Q So you didn't talk to him about</b></p> <p>16 <b>anything, you just showed him the newsroom?</b></p> <p>17 A Yes. I walked him around and</p> <p>18 showed him the desks and the ...</p> <p>19 <b>Q Have you ever discussed editorial</b></p> <p>20 <b>content with Rupert Murdoch?</b></p> <p>21 MR. LERNER: Objection.</p> <p>22 A Have I ever discussed editorial</p> <p>23 content with Rupert Murdoch?</p> <p>24 <b>Q Yes.</b></p> <p>25 A I've discussed the news with Rupert</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p>Page 41</p> <p>1 JESSE ANGELO</p> <p>2 Murdoch.</p> <p>3 <b>Q Had you ever discussed the</b></p> <p>4 <b>editorial content of the newspaper?</b></p> <p>5 MR. LERNER: Of what newspaper?</p> <p>6 <b>Q Fair enough. Of The Daily. Have</b></p> <p>7 <b>you ever discussed the editorial content of</b></p> <p>8 <b>The Daily with Rupert Murdoch?</b></p> <p>9 A Yes.</p> <p>10 <b>Q So Rupert Murdoch plays a role in</b></p> <p>11 <b>formulating the policies -- of The Daily?</b></p> <p>12 MR. LERNER: Objection.</p> <p>13 A No.</p> <p>14 <b>Q So why would you discuss editorial</b></p> <p>15 <b>policy with Rupert Murdoch if he plays no</b></p> <p>16 <b>role in formulating the editorial policies?</b></p> <p>17 MR. LERNER: Objection.</p> <p>18 A I did not say I discussed editorial</p> <p>19 policy with Rupert Murdoch. It's a</p> <p>20 mischaracterization of what I said.</p> <p>21 <b>Q Okay.</b></p> <p>22 <b>Have you ever discussed editorial</b></p> <p>23 <b>policy of The Daily with Rupert Murdoch?</b></p> <p>24 MR. LERNER: Objection.</p> <p>25 A No.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 50</p> <p>1 JESSE ANGELO</p> <p>2 <b>Q Did any of these discussions with</b></p> <p>3 <b>Rupert Murdoch involve business decisions to</b></p> <p>4 <b>be made by The Post or The Daily?</b></p> <p>5 MR. LERNER: Objection.</p> <p>6 A Which discussions?</p> <p>7 <b>Q Any discussions with Rupert</b></p> <p>8 <b>Murdoch, did they involve making business</b></p> <p>9 <b>decisions regarding The Daily and/or The New</b></p> <p>10 <b>York Post?</b></p> <p>11 A Yes.</p> <p>12 <b>Q What kind of business decisions</b></p> <p>13 <b>were discussed with Rupert Murdoch?</b></p> <p>14 MR. LERNER: Objection.</p> <p>15 A Can you be more specific?</p> <p>16 <b>Q No.</b></p> <p>17 <b>I mean what kinds of business</b></p> <p>18 <b>issues did you discuss with him?</b></p> <p>19 A I discussed overall business</p> <p>20 decisions, the health of businesses,</p> <p>21 advertising market.</p> <p>22 <b>Q So you discussed advertising with</b></p> <p>23 <b>Mr. Murdoch?</b></p> <p>24 MR. LERNER: Objection.</p> <p>25 A I discussed the health of the</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 51</p> <p>1 JESSE ANGELO</p> <p>2 advertising market and the general economy</p> <p>3 overall with Mr. Murdoch, yes, I have</p> <p>4 discussed that with him.</p> <p>5 <b>Q Have you discussed with Mr. Murdoch</b></p> <p>6 <b>business decisions to be made by The Daily</b></p> <p>7 <b>and/or The New York Post?</b></p> <p>8 MR. LERNER: Objection.</p> <p>9 Do you understand the question?</p> <p>10 A I really don't. It's an impossibly</p> <p>11 vague question.</p> <p>12 <b>Q Well, do you know what "business</b></p> <p>13 <b>decisions" are?</b></p> <p>14 A I would like you to define them,</p> <p>15 actually.</p> <p>16 <b>Q What do you understand when someone</b></p> <p>17 <b>says a business decision has to be made</b></p> <p>18 <b>what. Do you believe that means?</b></p> <p>19 MR. LERNER: Objection.</p> <p>20 A A business decision may be</p> <p>21 a potential hire.</p> <p>22 <b>Q Have you ever discussed a potential</b></p> <p>23 <b>hiring with Mr. Murdoch?</b></p> <p>24 A No.</p> <p>25 <b>Q Have you ever discussed potential</b></p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 52</p> <p>1 JESSE ANGELO</p> <p>2 <b>firing with Mr. Murdoch?</b></p> <p>3 A No.</p> <p>4 <b>Q Have you discussed any personnel</b></p> <p>5 <b>decisions with Mr. Murdoch?</b></p> <p>6 A No.</p> <p>7 <b>Q What else would be something in</b></p> <p>8 <b>your mind would be a business decision?</b></p> <p>9 MR. LERNER: Objection.</p> <p>10 A Again, in the course of doing</p> <p>11 business, there's any one of thousands of</p> <p>12 decisions that one makes.</p> <p>13 <b>Q In your discussions with</b></p> <p>14 <b>Mr. Murdoch, has Mr. Murdoch ever informed</b></p> <p>15 <b>you of anything you would consider a</b></p> <p>16 <b>business decision involving The Daily and/or</b></p> <p>17 <b>The New York Post?</b></p> <p>18 MR. LERNER: Objection.</p> <p>19 A Can you repeat the question.</p> <p>20 MR. CLARK: Can you read the</p> <p>21 question back.</p> <p>22 (Requested portion of record read:</p> <p>23 "Q. In your discussions with</p> <p>24 Mr. Murdoch, has Mr. Murdoch ever</p> <p>25 informed you of anything you would</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 53</p> <p>1 JESSE ANGELO</p> <p>2 consider a business decision involving</p> <p>3 The Daily and/or The New York Post?"</p> <p>4 (End of read-back.)</p> <p>5 A Yes.</p> <p>6 <b>Q What did he tell you?</b></p> <p>7 MR. LERNER: Objection.</p> <p>8 I'm sorry. This is impossibly</p> <p>9 vague, Paul.</p> <p>10 You're not asking about a specific</p> <p>11 conversation. You haven't defined --</p> <p>12 restricted it to any kind of topic. We</p> <p>13 don't know when the conversation</p> <p>14 happened.</p> <p>15 It's just an impossibly vague</p> <p>16 question. I don't think the witness</p> <p>17 could possibly answer it in any</p> <p>18 meaningful way.</p> <p>19 <b>Q Do you recall specific</b></p> <p>20 <b>conversations in which you had discussions</b></p> <p>21 <b>with Rupert Murdoch about business</b></p> <p>22 <b>decisions?</b></p> <p>23 MR. LERNER: Objection.</p> <p>24 A Yes.</p> <p>25 <b>Q How many conversations do you</b></p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 58</p> <p>1 <b>JESSE ANGELO</b></p> <p>2 <b>decisions, anything like that.</b></p> <p>3 <b>MR. LERNER:</b> Objection.</p> <p>4 <b>Q Is that fair?</b></p> <p>5 <b>A</b> Again, I can recall speaking about</p> <p>6 advertising.</p> <p>7 <b>Q Do you have specific recollections</b></p> <p>8 <b>of discussing advertising with Mr. Murdoch?</b></p> <p>9 <b>A</b> Yes.</p> <p>10 <b>Q What was said on those specific</b></p> <p>11 <b>occasions that you recall where you</b></p> <p>12 <b>discussed advertising with Mr. Murdoch?</b></p> <p>13 <b>A</b> I recall speaking with him once</p> <p>14 about the state of the advertising market</p> <p>15 overall and the economy after the financial</p> <p>16 crash in 2009.</p> <p>17 <b>Q Have you ever discussed with him</b></p> <p>18 <b>advertising for the paper? When I say "the</b></p> <p>19 <b>paper," I mean The New York Post and/or</b></p> <p>20 <b>The Daily.</b></p> <p>21 <b>MR. LERNER:</b> Objection.</p> <p>22 <b>A</b> Yes.</p> <p>23 <b>Q What types of discussions did you</b></p> <p>24 <b>have regarding advertising for the paper</b></p> <p>25 <b>with Mr. Murdoch?</b></p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 59</p> <p>1 <b>JESSE ANGELO</b></p> <p>2 <b>MR. LERNER:</b> Objection.</p> <p>3 <b>A</b> I'm sorry. Can you repeat the</p> <p>4 question.</p> <p>5 <b>MR. CLARK:</b> Could you read it</p> <p>6 back, please.</p> <p>7 (Requested portion of record read:</p> <p>8 "Q. What types of discussions did</p> <p>9 you have regarding advertising for the</p> <p>10 paper with Mr. Murdoch?")</p> <p>11 (End of read-back.)</p> <p>12 <b>A</b> I remember telling him about a BMW</p> <p>13 ad that ran in The Daily, because it was a</p> <p>14 good ad. It was an innovative ad.</p> <p>15 <b>Q So you discussed specific</b></p> <p>16 <b>advertisements with Mr. Murdoch?</b></p> <p>17 <b>MR. LERNER:</b> Objection.</p> <p>18 <b>A</b> I just told you of a conversation</p> <p>19 that I had with him about a BMW</p> <p>20 advertisement that appeared in The Daily.</p> <p>21 <b>Q So yes, you have discussed with</b></p> <p>22 <b>Mr. Murdoch specific advertisements?</b></p> <p>23 <b>MR. LERNER:</b> Objection.</p> <p>24 <b>A</b> I just told you of a situation,</p> <p>25 yes.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 60</p> <p>1 <b>JESSE ANGELO</b></p> <p>2 <b>Q Have you ever sought guidance from</b></p> <p>3 <b>Mr. Murdoch about what types of</b></p> <p>4 <b>advertisements you should look for for the</b></p> <p>5 <b>paper?</b></p> <p>6 <b>A</b> No.</p> <p>7 <b>Q Have you ever sought guidance from</b></p> <p>8 <b>Mr. Murdoch on what types of stories should</b></p> <p>9 <b>be run in the paper?</b></p> <p>10 <b>A</b> No.</p> <p>11 <b>Q Has he ever given you any guidance</b></p> <p>12 <b>whatsoever on what types of stories should</b></p> <p>13 <b>be run in the paper?</b></p> <p>14 <b>MR. LERNER:</b> Objection.</p> <p>15 <b>A</b> Not that I recall.</p> <p>16 <b>Q Prior to summer 2010, do you</b></p> <p>17 <b>remember the next most recent time that you</b></p> <p>18 <b>spoke with Mr. Murdoch in The New York Post</b></p> <p>19 <b>newsroom?</b></p> <p>20 <b>A</b> No. I don't recall.</p> <p>21 <b>Q Have most of your discussions with</b></p> <p>22 <b>Mr. Murdoch been in The Daily newsroom, or</b></p> <p>23 <b>in The Post newsroom?</b></p> <p>24 <b>MR. LERNER:</b> Objection.</p> <p>25 <b>A</b> Can you repeat the question.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 61</p> <p>1 <b>JESSE ANGELO</b></p> <p>2 <b>Q Have most of your discussions with</b></p> <p>3 <b>Mr. Murdoch when you've spoken with him</b></p> <p>4 <b>face-to-face been in The New York Post</b></p> <p>5 <b>newsroom, or the in daily newsroom?</b></p> <p>6 <b>MR. LERNER:</b> Objection.</p> <p>7 <b>A</b> I have spoken to him more in</p> <p>8 The New York Post newsroom than in The Daily</p> <p>9 newsroom.</p> <p>10 <b>Q Is that simply because you worked</b></p> <p>11 <b>for a longer period of time in The New York</b></p> <p>12 <b>Post newsroom?</b></p> <p>13 <b>MR. LERNER:</b> Objection.</p> <p>14 <b>A</b> That's your supposition, not mine.</p> <p>15 <b>Q I'm asking you to answer the</b></p> <p>16 <b>question.</b></p> <p>17 <b>A</b> I don't know why. It was more</p> <p>18 occasions in The New York Post newsroom than</p> <p>19 in The Daily newsroom.</p> <p>20 <b>Q Did you speak with Mr. Murdoch more</b></p> <p>21 <b>frequently, in terms of the number of times</b></p> <p>22 <b>a year, in The Post newsroom or The Daily</b></p> <p>23 <b>newsroom?</b></p> <p>24 <b>MR. LERNER:</b> Objection.</p> <p>25 <b>A</b> The Post newsroom.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>